

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CLINTON RATLIFF,

Plaintiff,

v.

**Civil Action No. 5:12cv113
(JUDGE STAMP)**

**NICKY SEIFERT; EVELYN SEIFERT,
JAMES RUBENSTEIN,**

Defendants.

REPORT AND RECOMMENDATION

In response to a previous Order of the Court, Counsel for the Defendants advised by email, dated March 6, 2013, that this action was settled. At the Show Cause Hearing, on June 21, 2013, Counsel for the Defendants advised that a settlement was agreed. However, Counsel noted that they were awaiting a response from a governmental health insurance program. Since the case has been settled, the Court recommends the case be **DISMISSED**, subject to the right of the Defendants to reopen.

Any party may file within fourteen (14) days after being served with a copy of this Recommendation with the Clerk of the Court written objections identifying the portions of the Recommendation to which objections are made, and the basis for such objections. A copy of such objections should also be submitted to the Honorable Frederick P. Stamp, United States District Judge. Failure to timely file objections to the Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

The Clerk of the Court is directed to provide a copy of this Report and Recommendation to the *pro se* petitioner and the United States Attorney for the Northern District of West Virginia as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: June 21, 2013

/s/ James E. Seibert

JAMES E. SEIBERT

UNITED STATES MAGISTRATE JUDGE